

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/824,988

Filed: April 2, 2001

Inventor(s):

William A. Hughes, Kevin J.  
McGrath

Title: Establishing a Mode  
Indication Responsive to  
Two or More Indications

§ Examiner: Li, Aimee J.

§ Group/Art Unit: 2183

§ Atty. Dkt. No: 5500-66500

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- before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b.  after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:  the certification of paragraph 2 below is provided, or  a fee of \$180.00 is required.
- c.  after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement;
- that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement; or
- that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three (3) months prior to the filing of the Statement.

3.  Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

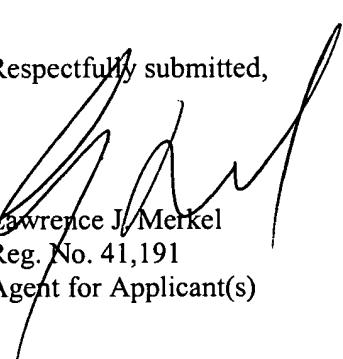
- reference is made to an English language translation submitted herewith, and/or
- reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- reference is made to the concise explanation contained in the specification of the present application at page(s) \_\_\_\_\_, and/or
- reference is made to the concise explanation set forth below:

5.  Applicant also offers the following comments for the Examiner's consideration:

6.  Also enclosed is a copy of a foreign search report citing these references.
7.  The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8.  Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5500-66500/LJM.

Respectfully submitted,

  
Lawrence J. Merkel  
Reg. No. 41,191  
Agent for Applicant(s)

MEYERTONS, HOOD, KIVLIN,  
KOWERT & GOETZEL, P.C.  
P. O. Box 398  
Austin, Texas 78767  
(512) 853-8800

Date: 9/7/04

**EXAMINER:**

**DATE CONSIDERED:**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.